IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.626 OF 2005
IN
SUIT NO.144 OF 1995

Helda Charles Braco & Ors. ..Plaintiffs.

V/s.

The State of Maharashtra & Anr. ..Defendant.

And

Hanumant J.Tawade ..Applicant.

Mr.D.C.Shah for applicant.

Mr. Shiralkar i/b Shiralkar & Co. for Plaintiffs.

Mr.Mohan Naik, AGP for State for Defendant No.1 and 2.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 15, 2005.

P.C. :

1. Heard counsel for the parties.

2. Indeed, the applicant claims to be in possession of portion of land which is subject matter of the suit filed by the plaintiff before this court. However, from the order appended to the chamber summons, passed by this court on Writ Petition filed by the applicant, it appears that the applicant had withdrawn the said writ petition on statement that he would take recourse to substantive suit on title.

Instead of filing such a suit, the applicant wants to get himself impleaded in the suit filed by the plaintiff.

3. In my opinion, instead of permitting the applicant to be impleaded in the present suit, the appropriate course for the applicant is to file substantive suit on title, in respect of portion of land, in possession, which suit in turn will have to be tried alongwith the present suit, to which the counsel for the plaintiffs as well as defendant have no objection.

4. Chamber summons disposed of with the above observations.